

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2004-505

August 3, 2004

PUBLIC UTILITIES COMMISSION
Amendment to Eligible Resource
Portfolio Requirement (Chapter 311)

NOTICE OF RULEMAKING

WELCH, Chairman; DIAMOND, and REISHUS, Commissioners

I. SUMMARY

Through this Notice, we initiate a rulemaking to amend a provision of our eligible resource portfolio requirement (Chapter 311). The purpose of the amendment is to make the rule consistent with legislation that was recently passed that exempts suppliers serving qualified Pine Tree Development Zone business from the portfolio requirement.

II. BACKGROUND

During its last session, the Maine Legislature enacted An Act to Enhance Pine Tree Development Zones. P.L. 2003, ch. 610. Section 2 of the Act (codified at 35-A M.R.S.A. § 3210-B(4)) exempts electricity sales to qualified Pine Tree Zone businesses from the State's eligible resource portfolio requirement (35-A M.R.S.A. § 3210). The provision states:

Electricity sales. Notwithstanding section 3210, the sale of electricity by a competitive electricity provider to a qualified Pine Tree Development Zone business established under Title 30-A is exempt from the requirements of that section and, at the request of the competitive electricity provider, sales to qualified Pine Tree Development Zone businesses must be excluded from any calculation by the commission to determine compliance with that section.

Chapter 311 provides that competitive electricity providers must account for at least 30% of their total kilowatt-hour sales by use of renewable or efficient resources. Because the proposed rule amendment only serves to make the rule consistent with the recent legislation, we expect this rulemaking to be non-controversial.

III. PROPOSED AMENDMENT

A. Pine Tree Zone Exemption (Section 6)

We propose to add a provision to the rule that would comply with the above-referenced legislation. The current rule does not contain a waiver or exemption for competitive electricity providers that serve businesses located in Pine Tree Zones. Therefore, the proposed amendment would not involve modification of any existing language.

IV. RULEMAKING PROCEDURES

No public hearing on this matter has been scheduled. The Commission will schedule a public hearing if requested by five or more interested persons. Written comments on the proposed Rule may be filed with the Administrative Director until September 13, 2004. Written comments should refer to the docket number of this proceeding, Docket No. 2004-505 and be sent to the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

In accordance with 5 M.R.S.A § 8057-A(1), the fiscal impact of the proposed rule (other than its potential to promote economic development) is expected to be minimal. The Commission invites all interested parties to comment on the fiscal impact and all other implications of the proposed rule.

Accordingly, we

ORDER

1. That the Administrative Director shall notify the following of this rulemaking proceeding:

- a. All electric utilities in the state;
- b. All persons who have filed with the Commission within the past year a written request for Notice of rulemaking;
- c. All licensed competitive electricity providers;

2. That the Administrative Director shall send copies of this Notice of Rulemaking and attached proposed rule to:

- a. The Secretary of State for publication in accordance with 5 M.R.S.A. § 8053(5); and

b. Executive Director of the Legislative Council, 115 State House Station, Augusta, Maine 04333-0115 (20 copies).

Dated at Augusta, Maine, and this 3rd day of August, 2004.

BY ORDER OF THE COMMISSION

Raymond Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus